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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE**
9 **DISTRICT OF NEW JERSEY**

10 **IVETTE VELEZ,**) **Case No.:**
11)
12 Plaintiff,)
13)
14 **v.**) **COMPLAINT AND DEMAND FOR**
15) **JURY TRIAL**
16 **CREDIT ONE BANK,**)
17)
18 Defendant.) **(Unlawful Debt Collections Practices)**
19)
20)
21)
22)
23)
24)
25)

26 **COMPLAINT**

27 IVETTE VELEZ (“Plaintiff”), by and through her counsel, Kimmel & Silverman, P.C.,
28 alleges the following against CREDIT ONE BANK (“Defendant”):

29 **INTRODUCTION**

30 1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act
31 (“TCPA”).

32 **JURISDICTION AND VENUE**

33 2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v.
34 Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

1 15. When contacting Plaintiff on her cellular telephone, Defendant used an
2 automatic telephone dialing system and automatic and/or pre-recorded messages.

3 16. Defendant's automated messages identified its company name as the caller.

4 17. Defendant's telephone calls were not made for "emergency purposes."

5 18. In August 2014, Plaintiff revoked any consent previously given to Defendant to
6 place telephone calls to her cellular telephone number.

7 19. Defendant heard and acknowledged Plaintiff's revocation of consent and demand
8 to stop calling her cellular telephone number.

9 20. Despite the above, Defendant persisted in calling Plaintiff on her cellular
10 telephone for several weeks.

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13 **DEFENDANT VIOLATED THE**
 TELEPHONE CONSUMER PROTECTION ACT

14 21. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
15 at length herein.

16 22. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
17 telephone using a prerecorded voice.

18 23. Defendant initiated these automated calls to Plaintiff using an automatic
19 telephone dialing system.

20 24. Defendant's calls to Plaintiff were not made for emergency purposes.

21 25. Defendant's calls to Plaintiff, after August 2014, were not made with Plaintiff's
22 prior express consent.
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1 26. Defendant's acts as described above were done with malicious, intentional,
2 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
3 purpose of harassing Plaintiff.

4 27. The acts and/or omissions of Defendant were done unfairly, unlawfully,
5 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
6 defense, legal justification or legal excuse.

7 28. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
8 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
9 damages.

10
11 WHEREFORE, Plaintiff, IVETTE VELEZ, respectfully prays for judgment as follows:

- 12 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
13 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
14 U.S.C. §227(b)(3)(B);
15 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
16 U.S.C. §227(b)(3);
17 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
18 e. Any other relief deemed appropriate by this Honorable Court.
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21 **DEMAND FOR JURY TRIAL**

22 PLEASE TAKE NOTICE that Plaintiff, IVETTE VELEZ, demands a jury trial in this
23 case.
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CERTIFICATION PURSUANT TO L.CIV.R.11.2

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

Respectfully submitted,

Dated: January 9, 2015

By: /s/ Amy L. Bennecoff
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